

Appl. No. 10/623,304
Resp. dated June 4, 2004
Reply to Office Action of 05/07/2004

REMARKS/ARGUMENTS

Claims 1-30 are subject to a restriction requirement under 35 U.S.C. 121.

The Examiner contends that the application contains claims directed to patentably distinct species of the claimed invention, identifying the species as: species 1, figs. 1A-1D; species 2, fig. 2A; species 3, fig. 2B; species 4, fig. 2C; species 5, fig. 2D; species 6, fig. 3A; species 7, fig. 3B; species 8, fig. 4C; and species 9, fig. 5A. The Examiner requires under 35 U.S.C. 121 that Applicant elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner asserts, "Currently, no claim appears to be generic".

Applicant's agent attempted to contact the Examiner on May 24, 2004, for clarification of the aforementioned restriction requirement and election of species. Unfortunately, Applicant's agent was unable to reach the Examiner before the shortened statutory period of 1 month that was set for reply. A telephone recording for the Examiner indicated that the Examiner was out of the office until Jun. 7, 2004. Applicant's reply is due Jun. 7, 2004 to avoid a fee for an extension of time. As such, for at least this reason, Applicant's response herein is made with traverse.

Applicant elects species 9 as exemplified by Figure 5A with traverse. Applicant submits that Claims 1-12, drawn to a circuit interconnect, Claims 13-21, drawn to a folded flex circuit interconnect, and Claims 22-30, drawn to an optics module comprising a folded flex circuit interconnect, are readable on the elected species 9 exemplified by Figure 5A. A listing of all claims readable on the elected species is provided hereinabove.

Further, Applicant disagrees that "no claim appears to be generic", as the Examiner asserts. Reconsideration is respectfully requested.

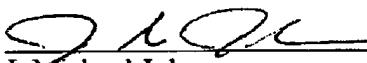
Applicant respectfully reminds the Examiner that in making the restriction requirement between the identified species, the Examiner is acknowledging that each identified species is patentable over the other. This is so because for any restriction, MPEP 802.01 requires that each of the subjects of the restriction must be

Appl. No. 10/623,304
Resp. dated June 4, 2004
Reply to Office Action of 05/07/2004

"PATENTABLE (novel and unobvious) OVER EACH OTHER (though they may each be unpatentable because of the prior art)".

Should the Examiner have any questions regarding the above, the Examiner is urged to contact the undersigned by telephone at the number given below.

Respectfully submitted,
STEVEN A. ROSENAU ET AL.

By: 
J. Michael Johnson
Attorney/Agent for Applicant(s)
Registration No. 37,856
(775) 849-3085

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.


J. Michael Johnson

6/4/04
Date

* * *